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Present migrant labor problems and solutions which have been proposed are presented. The first problem area is providing education for migrant children. This is hindered by the problem of securing compliance with minimum education laws and by laws prohibiting employment of children during school hours.

A second problem area is that of child labor. Most laws prohibit child labor, except for farm work, while school is in session. Some states provide child day-care centers in the migrant camps to help alleviate the problem of young children working in the fields. State and community funds are used. The third problem area is that of health which includes poor housing and the inability to maintain sanitary conditions. Low interest loans to camp operators, greater public interest, and the encouragement of church and civic community groups are suggestions for improving housing problems. A fourth problem area is that of residence requirements for public assistance. Residents of one state are prevented from moving into a state offering better assistance.

Other problem areas include day care centers, transportation, health services, health education, public assistance, and workmen's compensation.

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Preliminary Staff Report

PROBLEMS OF MIGRANT LABOR

May, 1961

U. S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE
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Migrants State Reports - Washington

PROBLEMS OF MIGRANT LABOR

Washington State Legislative Council

Preliminary Report

prepared by

Forrest Walls
Research Associate

May, 1961

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THE PROBLEMS OF MIGRANT LABOR

This report is designed to familiarize the reader with the various problem areas existing nationally and locally in the present migrant labor situation and to relate the criticisms which have been made of existing practices and laws. It also notes the approaches which have been taken in the various states to solve the problems of migrant labor. Its purpose is not to advocate, but to summarize criticisms which have been made and solutions which have been proposed.

EXTENT OF MIGRATORY LABOR IN WASHINGTON

Washington is one of the approximately 20 states which utilize the services of migrant laborers in their agriculture industry. During the peak of the harvest season in Washington, over 72,000 seasonal laborers are employed. Of these seasonal laborers, there is some question as to how many are actually migrants--people who move from state to state working in the harvests of various crops. The Washington Farm Placement Service has estimated the number of migratory workers entering Washington at 20,000 annually. The U. S. Department of Agriculture places its estimate at 27,000. The State Department of Health has estimated the number of migrants in Washington at nearer 60,000 annually.

The majority of these laborers are employed during the period from March to October. These migrants come primarily from Texas but also from Arizona, California, Louisiana, Florida, Nebraska, and Canada.

By far the largest concentration of migrant workers in Washington appear in Yakima and Chelan counties which together account for 11,000 of the total force of 27,000 workers which the U. S.Department of Agriculture estimates appears in the state annually.

A number of agencies in Washington are concerned with migrant labor problems. The State Department of Health has established a departmental committee on migratory labor to investigate that area and coordinate departmental activities in that area. The Governor's Interdepartmental Committee on Health, Education and Welfare has established a subcommittee on migrant labor. The Employment Security Department deals with migrant workers under its annual worker plan which is discussed below. Also, the Department of Labor and Industries is concerned with migrant labor in the enforcement of the Farm Labor Contractors Act, also discussed below.

PROBLEM AREAS AND POSSIBLE REMEDIAL MEASURES

EDUCATION

One of the areas of life in which the migrant laborer suffers most is in his separation from an opportunity to acquire a basic education. A large proportion of migrant labor is composed of family groups and thus many migrant children are on the road for a good part of the year. Migrant children tend to fall behind their age groups in school. This tendency is caused not only by frequent absences, but by the necessity of attending several schools each year. Every change in schools repeats the problems of adjusting to new texts, new methods of learning and new classroom situations with a resultant hindrance of effective teaching. The necessity for the family to move on to the next crop area often results in an extremely high drop-out rate among the children of migrant laborers. Another reason for their absence from local schools in the crop area is that the income derived from

the labor of these children is often necessary to augment an already scanty family income, and thus they tend to spend their time in the fields instead of in the classroom. Also a factor in educational retardation is the fact that many migrant children have cultural backgrounds different than the dominant culture in the school.

The migrant child's lack of clothes, particularly shoes, and the failure of some migrant parents to appreciate the value of education are other factors in the frequent failure of migrant children to obtain an education commensurate with their native ability.

A 1957 study of migrant children enrolled in Ohio schools indicated that 51% of them were from one to four years behind their proper grade levels. Seventy-seven percent attended Ohio schools less than 25 days. Many never reach the high school level.[1] A 1959 Oregon study indicated that of migrant children enrolled in Oregon schools, 26% were at grade level, 33% were retarded one year, and the rest were retarded two to six years.[2]

This general lack of education tends to bind these people to the life of the migrant laborer because of their inability to qualify for any higher level of work requiring a more complete education.

The problems of educating migrant children is a complex one in Washington as well as elsewhere. The Governor's Inter-Agency Committee on Health, Education and Welfare has indicated its belief that in many instances local school authorities fail or are unable to provide adequate educational opportunities for them. The Committee cites as reasons for this failure: (1) A lack of awareness of the existence of migratory children in a given area; (2) The rejecting attitudes of local communities and the lack of a sense of responsibility for the education of these children; (3) A lack of school facilities and teaching personnel to accommodate large numbers of additional children; (4) Classroom instruction geared to permanent school population (mobility seen as a disruptive factor); and (5) A lack of understanding of the backgrounds, needs and unique experiences of migrant children plus a resistance to utilizing them as a basis of instruction.

Of those migrants who do attend Washington schools, many appear with no academic record, no test results, and no data which could aid in grade placement.

Nationally, the problem of securing for migrant children a fundamental education has been approached by many different bodies-- the federal government, the states, local communities and charities-- and has been approached in many different ways.

One of the main problems in providing education for migrant children is that of securing compliance with minimum education laws and laws prohibiting employment of children during school hours.

In 1950 the Fair Labor Standards Act was amended to prohibit employment in agriculture of children under age 16 while schools are in session. Although this law tends to encourage the presence of migrant children in the schools instead of the fields, two general problems hinder its effectiveness: (1) Enforcement is difficult since many families need the added income provided by the labor of these children; (2) children barred from the fields may find themselves faced with a lack of opportunity to attend school because of inadequate facilities.

Washington law requires children in the state to be in school unless they have finished high school, have reached eighteen years of age, are employed and attend school part time, or have been excused from attending school. (RCW 28.28.020)

A necessity exists for the migrant parents to accept responsibility for their children's school attendance since enforcement of the laws is hindered by the very mobile lives the migrants lead. In 1960, the Superintendent of Public Instruction in Washington designated this problem of getting the children into available schools as one of the primary roadblocks to an effective migrant children education program.

Efforts in Other States

Oregon: A study in Oregon indicated problems of overcrowding. Usually, migrant children were assimilated in regular classes although six school districts employed a total of nine extra teachers for two to two and one-half months. In 64% of the school districts school officials made special efforts to get the children into school. In others, no special efforts were made but all pupils who attended were admitted. Slightly more than half of the migratory children of school age in the state were estimated to be in school.[3] Fifty thousand dollars was appropriated for the education of migrant children during the 1959-61 biennium. Part of this money was for a pilot summer school program. The State Board of Education was authorized to employ a Migrant Children Education Administrator.

Ohio: Efforts in Ohio to improve the education program for migrant children brought out two needs: (1) to reimburse local boards of education for extra expenses incurred for migrants during spring and fall; and (2) to allow for the use of state funds for summer schools which were found to yield high educational social and physical benefits to the children. $175,000 was appropriated for these purposes.[4] Summer school programs have also been developed in New York, Colorado, Oregon, Pennsylvania, New Jersey, Michigan, and Minnesota.

Colorado: Research in Colorado was financed by the U. S. Office of Education and the pilot summer schools by the state department of education. The Colorado research program has developed a number of materials which may be useful to similar summer school programs in other states. Among these materials is a complete state aid formula for use in the education program for migratory children. Also developed was a teacher's register which contains forms for the records which it is desirable to keep on the children enrolled in the special program. A form containing a budget and agreement was developed to accompany a school district's application for state aid for a contemplated special term school for migrant children. Migrant pupil record forms were also developed. Records of the progress and development level of each child were placed in a form which the migrant child was to carry from school to school as he moved.[5]

An attempt is being made by the states of Arizona, Colorado, and New Mexico to create a regional cooperative school attendance program so that the educational efforts of a single state could be reinforced by cooperation and similar programs in neighboring states.

The pilot and research programs have also produced extensive teaching materials geared to the unique teaching problems presented by educationally retarded and socially unadjusted migrant children. They are contained in the publication "Learning On The Move - A Guide For Migrant Education," published by the Colorado State Department of Education.

Community Efforts

In several areas, communities have attempted to improve the educational opportunities available for migrant children. Community organizations have sought to overcome the resistance of local parents to having their children associate with migrant children and the resistance of school officials to having the school program disrupted by children who attend for a few days, weeks, or months. Efforts were made to seek out the children and provide the space and teachers necessary. Publicized examples of such communities are Hallandale, Minnesota; Morgan County, Colorado; and Hopeston, Illinois.

University Cooperation

The state universities of several states have cooperated with state education departments, school administrators, and teachers in summer school programs and also in developing teaching materials to help teachers who have migrant children during the regular school year. Such universities are also conducting research projects in the migrant education area. Such universities include the universities of Colorado, Michigan, Pennsylvania, Wisconsin, and Southern Illinois.

ADULT EDUCATION

For an adult migrant laborer to escape from migrancy to another occupation is difficult because he generally lacks the skills which would make him employable in another field. Hence, there is a general need among migrants for an adult education and vocational rehabilitation program.

Washington law (RCW 74.11) authorizes a vocational rehabilitation program for the vocationally handicapped. It is unclear to what extent migrants have been able to take advantage of this program. The migrant may be hampered by his lack of residency because the recipient of benefits under the educational rehabilitation program must already be receiving public assistance. The non-resident migrant qualifies for public assistance only under the 90-day emergency clause for general assistance.

CHILD LABOR

The problem of child labor is closely related to the problem of securing an adequate education for migrant children. The frequent moving of migrant families is compounded in its effect on the children's education if the child is often pressed into service in the fields when he should be in school.

Approximately 150,000 children under 18 accompany their migrant parents each year. Many of them work. An Oregon study in 1958 indicated that of 800 children under 12 who accompanied their parents, 27% were working. Of 275 children, 14 and 15 years old, 40% were working.[7]

Most child labor laws covering agriculture serve only to prohibit child labor while school is in session. The Fair Labor Standards Act, whose coverage is limited to work in connection with interstate commerce, establishes a 16-year age minimum for agricultural workers during hours when school is in session.

Eleven states provide a minimum age for agricultural work outside of school hours. Sixteen states provide a minimum age for agricultural work during school hours. These minimum ages vary between 14 and 16 among the various states.[8]

In Washington, the employment of male children of under 14 years of age or female children under 16 years of age is prohibited. However, farm work is excluded from this provision. Thus, Washington has no minimum age in agricultural work although children under 18 generally must attend school while it is in session unless already graduated or excused. Minors working in agriculture in Washington are also excluded from administrative regulation of wages and working conditions of minors. (See Minimum Wage and Welfare Order No. 49, Department of Labor and Industries)

Some states exempt from child labor laws those children whose wages are needed for the support of the family. (Montana and South Dakota)

DAY-CARE CENTERS

One reason for the presence of young migrant children in the fields is the fact that often there is nothing else for their parents to do with them while their parents are at work. To meet this problem, some states have instituted child day-care centers among their migrant camps.

Since the mothers of migrant children usually work, the young children must either work with their mothers, work on their own, be cared for by one of the older children, or stay in the migrant camps which may be somewhat barren places with unwholesome environments. Provision for more wholesome and enjoyable use of the children's time is regarded as a part of the child-labor problem in many areas. It is argued that they should not be barred from working, yet left idle and prone to get into trouble.

Both state and community funds for child care and recreation centers have been used. New York finances such centers. Individuals and voluntary agencies often are active in providing services and in opening up, for the children of migrants, existing community facilities and programs.

In the state of New York, the cost of 11 day-care centers is borne 75% by the Department of Agriculture and Markets, 20% by the growers, and 5% by the migrants. Other day-care centers have been the result of cooperation between state and county welfare agencies, local community and charitable organizations.

The Migrant Ministry of the National Council of Churches operates day-care centers in 10 different states among its many other migrant service enterprises.

HOUSING

One of the many difficulties faced by migrant workers in attempting to attain a reasonable standard of living is the problem of inadequate housing. Poor housing and the inabilityto maintain sanitary conditions constitute the migrants' most serious health menace. Poorly constructed housing, unscreened doors, and windows, flies, mosquitoes, accumulation of garbage, poor or non-existent sanitary facilities, limited or unsanitary sources of drinking water, dirty beds and mattresses, and lack of hot water and bathing facilities are among the conditions with which they are sometimes faced.

The income of the migrant worker is generally too low to permit him to compete on the regular market for acceptable housing. Hence, housing is provided by the farmer on his farm or at central locations in farm areas by grower

associations. Since such housing is a part of the agricultural employer's cost of operation, improvements usually come somewhat slowly and only as fast as the crop operation can afford them. The fact that such housing stands vacant much of the year militates against a great deal of expenditure in this area.

Arguments in favor of better housing are that growers with improved housing may be justly proud of it, and the migrants usually respond to good housing by taking better care of it and the grounds and through increased work and loyalty. Furthermore, better housing attracts and holds better workers.

Twenty-three states, including Washington, have laws or regulations that apply to camps for migrant agricultural workers. The standard in this field is the report of the President's Committee on Migratory Labor issued in 1956, which suggests minimum standards of health and decency for the migrant farmlaborer. Eleven states have migrant housing codes which conform substantially to the regulations suggested by the President's Committee. Washington is one of those states whose code is not as far-reaching as are the requirements suggested by the President's Committee (in the opinion of the National Advisory Committee on Farm Labor).

However, the Washington labor camp code, developed by the State Health Department, is the result of extensive investigation and much consultation with the interested groups. A good deal of care, consideration and compromise appears to have been devoted to the drafting of the code as is indicated by the fact that it has been revised eleven times since 1947.

Washington's labor camp code is contained in chapter 60.010-170 of the rules and regulations of the State Board of Health. It requires a permit for the operation of a labor camp. It provides standards for the construction of the living quarters, sewage disposal, plumbing, refuse disposal, and rodent and insect control. Building regulations include provisions as to the space to be provided per resident, structural materials, ventilation, heating, lighting, laundry and bathing facilities. Also included are regulations as to the food handling facilities and bedding.

Although the code provides concrete standards for migrant housing, the problem now appears to lie in bringing the various labor camps into conformity with the code. Over 1000 labor camps are in operation in the State of Washington. As of February, 1961, the percentage of camps inspected in counties throughout the state ranged from 13% to 100%. The reason for this wide variance is the lack of correlation between the number of available staff members of the health department and the number of labor camps in a given county. There are large numbers of camps in lightly-staffed areas such as Chelan, Douglas and Okanogan counties. The percentage of camps inspected throughout the state is 38%.

The labor camp code has not been met with unmixed praise, having been criticized both as being inadequate and as being too harsh. Camp operators cite the high cost of facilities built according to the code as compared to the relatively short period of occupancy and the abuse of camp facilities by the migrants as the primary deterrents to efforts on their part to improve labor camps.

The Subcommittee on Migratory Labor of the Governor's Interdepartmental Committee on Health, Education and Welfare Programs has stated the following reasons for the lack of improvement in housing for migrant labor: (1) Lack of desire for improvement on the part of the workers; (2) Lack of action by governmental agencies in general toward enforcement of regulations and rules already

in existence; (3) Lack of employer enforcement of reasonable rules and regulations pertaining to care of housing provided workers.

The following suggestions were made for obtaining improvement: (1) Low interest loans to camp operators; (2) Greater public rather than only government interest; (3) Giving of further encouragement to community groups such as the church and civic organizations.

In this same regard, legislation was introduced in the 1959 session of the Oregon Legislature proposing tax relief to farmers making improvements in their housing for migrant workers.

TRANSPORTATION

The mass transportation of migrants from area to area as they follow the crops presents serious problems as to the health, safety, and general comfort of the migrants. Often they are transported in trucks and such factors as overcrowding, faulty mechanical equipment and unqualified or exhausted drivers have contributed to serious accidents with much loss of life. Although migrants may have no more accidents proportionate to their numbers than any other group, those accidents occurring are more likely to result in the loss of many lives because of the large numbers of persons often traveling in one vehicle.

Federal Regulation. The Interstate Commerce Commission, under the authority of the Interstate Commerce Act, now regulates the transportation of migrant workers across state lines when transported for more than 75 miles in other than common carriers. These regulations list qualifications of drivers, limit drivers' hours of work, require protection of passengers from cold, require meal stops every six hours, and rest stops. Also included are requirements as to vehicles and equipment such as the requirements that they must have side walls and ends, seats with back rests, and smooth floors. These regulations have generally been followed by states taking action in this area.

State Action. Only six states now have regulations or laws governing the movement of migrants by privately owned carriers. Washington is not in this group. Connecticut has a special officer charged with enforcement of its regulations. Connecticut regulations hold the farm owner transporting workers accountable for (1) seeing that no person operates any farm vehicle unless he is at least 18 years of age and a licensed driver; (2) insuring vehicles used to transport eight or more workers; (3) providing adequate seating arrangements so that no occupant shall be required to sit on the floor or stand; (4) ensuring that all equipment is in safe operating condition; (5) posting a copy of the regulations in the cab of the transporting vehicle.

The driver must (1) see that benches are provided when trucks are used; (2) see that adequate side racks and rear gates are provided and that the rear gate is latched when the vehicle is in operation; (3) see that tarpaulins are used to cover the trucks during inclement weather; (4) keep his vehicle clean, sanitary, and safe; (5) stop his vehicle before crossing railroad tracks; (6) fuel his vehicle only when all passengers have been removed; (7) obey traffic regulations and speed limits.

Oregon statutes provide for maximum daily hours of service by drivers, emergency exits in carriers, fire extinguishers and first aid kits. Oregon also enlists the aid of the State Police for enforcement.

Lt. DeWitt Whitman, Washington State Patrol representative to the Interdepartmental Subcommittee on Migrant Labor, states that abuses in the transportation of migrant laborers in the State of Washington are uncommon. Most hauls of workers within the state are short and vehicle equipment is checked by the State Patrol under the vehicle equipment laws of the State of Washington. The State Patrol has ruled several busses off the road for deficient equipment. There have been few fatal accidents in this state involving migrant laborers.

MIGRANT RECEPTION CENTERS

While on the road, the migrant finds that there is a shortage of places where he may stop and rest, clean up and cook while being transported from one crop area to another. Often, this problem results in long uninterrupted hauls by the trucks and busses carrying migrants. Texas has adopted the following approach in an effort to relieve the situation.

Housing for migrants in Texas includes a form not commonly found elsewhere--the Migrant Reception Center. More than 40 centers were open in Texas in 1960 and were generally available for use as temporary shelter by migrants in transit. Also, they are used as recruitment centers where migrants may meet prospective employers. These centers are usually provided by some local government or civic or farm organization. They may be financed by the city, county, chamber of commerce, or the farm bureau.

Generally speaking, the facilities in these centers are minimal, but since they fill a definite need and are provided voluntarily by local initiative, they are much appreciated by migrants and employers despite the shortcomings of the centers. Generally, they have open-front shelters or cabins for family use. They may have cold water showers and sanitation facilities. There is usually no charge for use of the facilities except for extended stays. Additional programs such as supervised play areas for children, medical care, adult education, provision of food and clothing for migrants in need are sometimes provided by local churches, charitable and service organizations.

Capacities of these centers vary from 10 or 15 to 1300. The average is about 180. Most have an adequate water supply and many have some form of overnight housing. Few have indoor cooking facilities.

WELFARE PROBLEMS

Health

Migrants have all of the same health problems as other people in their socio-economic group, many of which are complicated by their crowded and unsanitary living conditions. Widespread problems include nutritional anemia, intestinal parasites, skin diseases and dental defects. Their living conditions encourage the spread of communicable diseases. Many migrants need education in health and nutrition.

Migrants usually work in rural areas--sometimes quite remote--where medical services are least readily available. They may often be in need of medical assistance without knowing where to seek help and without being able to pay for it if they can find it.

Health Services

Public health services are often provided by the state and county departments of health and local public health agencies. In Washington, health services, which are partially state financed, exist on the county and city levels. There are seldom any eligibility requirements for such health services.

However, such agencies can only act as they are made aware of the needs of migrants. Also, there may often be staff deficiencies since rural counties that have few residents may have small staffs in relation to the number of migrants and their need for services.

Of the 411 counties in the 11 western states, 169 have full-time local health departments. They perform a number of functions including communicable disease control, maternal and child health care, chronic disease control, mental health services, health education, vital statistics and public health laboratory services. However, they meet many difficulties in attempting to deal with the health problems of migrants.

Effectiveness of treatment centers may be limited by their hours of operation and distance from migrant work sites. Services and conditions of service differ from state to state resulting in confusion for the migrant. After getting help, the migrant must often move on to another work location before diagnosis or treatment is completed.

Financing and staff problems often beset attempts to provide public health services to migrants. The migrant population in some areas during the peak labor requirements may equal or exceed that of the residents. Some states appropriate funds to supplement local financing of such agencies for migrant services. Federal funds are made available in some projects. However, an additional problem remains--that of recruiting and training adequate personnel to work on a temporary basis and yet possessing demanding qualifications. Such workers must have the ability and the willingness to adapt to the conditions of the migrant, communicate with him, understand his attitudes, motivate him to accept and use available services, and must often be bilingual, especially in areas where there are large numbers of Spanish-speaking migrants who do not understand English.

Health Education

One of the major needs of migrants is for education in health matters. Migrants are educable if programming is flexibly adapted to cultural and social forces in the lives of the migrants.

Personal communication has been found to be a most effective method of education. Pamphlets or posters have a less commanding influence. Crew leaders can be an important part of the health education of minors and can be interested in preparing themselves to assume some responsibility for the health care and education of their workers. The subject of nutrition has high interest for migrant women. Direct mail--letters from a clinic, etc.--confer status on the recipient and is a significantly useful method of arousing and maintaining interest in health education. Also, education in the use of normal sanitary facilities should be a part of any health training program since many migrants have never experienced living in adequate housing.

In an effort to promote community activities to cope with the need for health education of migrants, the State Department of Health is planning environmental sanitation workshops for migrant missionaries, teachers and workers which the Department expects to bring into operation in 1961.

RESIDENCE REQUIREMENTS FOR PUBLIC ASSISTANCE

Most states impose some form of residence requirement as a part of their public assistance laws although these requirements vary widely from state to state and from program to program within a state. The purpose of these requirements is to prevent out-of-staters from moving into a state with higher than average public assistance benefits available, primarily for the purpose of receiving that assistance.

However, studies have indicated that the people who are motivated to move into a state because of its generous public assistance laws are few. In New York, which has no residence requirements, it was found that in 1955 only 1.8% of the recipients of assistance had resided in New York less than one year and 60% of this group received hospitalization only.[6] The cost of public assistance in New York to 43,000 migrant workers in 1957 was $98,000.[7] Most of the amount was expended for hospital and medical care ($89,000). Assistance was given to 1.1% of the migrant group as compared to 2.67% of the general population. Another state has indicated that the costs of administering the residence laws is approximately $100,000 a year, and probably exceeds the amount of expenditure necessary to care for the needy non-resident persons. Other studies indicate that public welfare residence requirements neither attract nor deter people from moving to a specific state.

The migrant worker, as a class, is more subject to crises than the average American by reason of the substandard housing, poor sanitation, low wages, and hazardous transportation with which he is often confronted. Yet it is this group which has the least access to public assistance benefits, though he has less resources to cope with difficulties when they arise. Many migrants never achieve residence in any state since they never spend a full year or more in a state to gain the initial settlement which is a prerequisite in most residence laws.

If they do achieve residence status in one area, it is often lost before residence can be established elsewhere because in many states the period in which residence can be lost is shorter than the period in which it may be established. In Washington, however, this particular problem is approached through the provisions of RCW 74.08.105 under which public assistance may be made to an out-of-state Washington resident during the period of time necessary for him to meet the residence requirement of the other state in which he is living.

The maximum residence requirements which accompany federal funds matching state welfare funds have brought some standardization to the heterogeneous collection of residence requirements among the states. The programs in which these minimum requirements apply are Old Age Assistance, Aid to the Blind, Aid to Dependent Children, and Aid to the Disabled.

Present Washington Residence Requirements: The current residence requirements for the public assistance categories in this state are as follows:

1.	Old Age Assistance	5 out of last 9 years, including year immediately preceding application
2.	Aid to the Blind	5 out of last 10 years
3.	Aid to Dependent Children	1 year
4.	Aid to the Disabled	1 year
5.	General Assistance	3 out of last 4 years, with provision that in hardship cases the residence requirement may be waived for a total of 90 days. (This requirement has been contained in a rider on the appropriation legislation.)

The first four of the above categories are the federal aid categories and the residence requirements represent the federal maximum except for the fourth which is less than the maximum. General Assistance is wholly state-financed so the state is free to impose any residence requirements it wishes.

It is difficult to gauge the extent to which migrant workers receive public assistance in Washington under the general assistance provision for 90 days of assistance in emergency cases. However, indications are that migrants do take advantage of this clause to some extent. Statistics for the Department of Public Assistance show extreme peaks in Yakima County, and occasionally in other counties, paralleling the migrant worker movements in the state. For general assistance, Yakima County shows figures as much as double other counties.

A representative of the Department of Public Assistance has stated that in many instances the 90-day exception to the residence requirement for general assistance has been used up by a family during the winter, leaving no provision for later in the year.

The basic problem in this entire situation is that people are in need because of illness, unemployment, or family break-up and need prompt and adequate help to relieve hardship, prevent further deterioration and to restore them to self-care and self-support. In many cases, residence requirements prevent such accomplishments. With particular reference to migratory farm labor, the above problem hovers more closely over them than over other segments of the population because they are unable to accumulate sufficient money to see them through periods of difficulty.

MINIMUM WAGE LAWS

Agricultural workers are specifically excluded from the wage and hour provisions of the Fair Labor Standards Act. Only Hawaii and Puerto Rico have minimum wage laws covering farm workers. Seven other states have provisions applying to women and minors which allow a board to set a figure in a specific case upon complaint that the wage is too low to safeguard health and safety. Washington is one of these states. (See RCW 49.12). Washington excludes farm laborers from the coverage of its minimum wage and hour act. (RCW 49.46.020 (5) (a))

The National Advisory Committee on Farm Labor credits Washington with the highest farm labor wage rates in the country--around $1.25 an hour as opposed to 50¢ to 60¢ an hour in the South, 96¢ an hour in New England, and 70¢ an hour in the Imperial Valley.[8] J. W. Grant of the Employment Security Department has also indicated that $1.25 an hour is the most common wage rate, for jobs requiring male workers at least, in Washington state.

A 1956 survey of migrant workers from South Texas indicated that while in Washington, they averaged $8.39 a day or $50.34 for a six-day week. An average day's pay for all other states was $5.93. In Washington, these workers made $10 a day picking apples; $9.34 in the sugar-beet fields; $8.44 picking peas; $7.05 in asparagus; and $6.97 in hops.[9]

WAGE COLLECTION

Thirteen states, including Washington (See RCW 49.48) have wage collection laws broad enough to include farm workers.

WORKMEN'S COMPENSATION

Literature on this subject often notes that agriculture is the third most hazardous industry in the United States ranking behind mining and construction in its casualty rate. Yet farm workers are, for the most part, unprotected by the workmen's compensation laws which cover other dangerous types of employment. Thirty-five states specifically exempt farmers from coverage. In 30 of these states, a farmer may be covered by the law if he so desires. In a number of states an employer is excluded from workmen's compensation laws if he employs less than a certain minimum number of people. Many agricultural workers are affected by such exceptions.

Only California, Hawaii, Ohio, and Puerto Rico have compulsory workmen's compensation for agricultural workers on the same basis as other workers. Several other states have varying provisions resulting in partial coverage (permanent workers, workers using machinery, etc.) or coverage at the option of the farmer.

In Washington, coverage for agricultural workers is optional with the farmer. The insurance system is state operated. Cost to the farmer for medical aid coverage is 1.8¢ per workman hour. Cost to the farmer of industrial insurance coverage varies from 2.4¢ to 9.6¢ per workman hour.

In many of those states which cover farm workers with compulsory workmen's compensation laws, it is not clear how well such laws have been utilized to cover migrant laborers. However, participation by farmers in the voluntary plans of New York and Michigan appears to be notably complete.

It is argued that the farmers are unable to pay the premiums for workmen's compensation coverage of their employees. On the other hand, the mechanization and increase in size of farms today places the farmworker in much the same situation as an industrial worker. It is argued that it is feasible and practical to cover farmworkers under the workmen's compensation laws. They protect farm employers from damage suits and such employers will be able to gauge more accurately their costs of production. Farm workers injured on the job will be assured of income and medical care during periods of disability. Both employer and employee will be spared the delays and expenses incident to legal actions.

CREW LEADERS

The crew leader generally recruits the migrants, arranges when, where, and for whom they will work, and transports them in his truck. He frequently acts as interpreter, advances funds, and is often the person who pays them for their work, which is usually on a piecework basis. He is the migrants' source of advice on where to buy food and their caretaker when they are sick or in trouble. He has responsibilities to the growers as well as to the members of his crew. In short, he must be an intelligent and reliable person, able to work hard and to get along

with people.

However, the position of the crew leader--the dependency of the relationship--enables him to adopt sharp practices and exploit his workers. His crew usually has no recourse if they are cheated even if they find out about it. The leader may collect fees from his crew for finding them work although the grower for which they work also pays the crew leader for bringing in workers. He may charge the workers for transportation in his truck and also collect from the grower for the same service. He may take an undue or undisclosed percentage from the workers' earnings, or tell his workers where to buy food and then collect a kickback from the store owner, who marks up the prices to cover the kickback.

Several states regulate crew leaders to protect migrants from exploitation and to protect responsible crew leaders from the competition of irresponsible ones. These regulations include licensing provisions, requirements as to record keeping, prohibition of certain undesirable practices, and a bonding requirement.

Washington regulates crew leaders under the Farm Labor Contractors Act (RCW 19.30). This act requires each person acting as a farm labor contractor to obtain a license from the Department of Labor and Industries. Application must be made for these licenses and specified information provided as to the applicant's operation and qualifications. A surety bond may be required of an applicant. A crew leader's license may be revoked upon discovery of specified types of misconduct on the part of the licensee.

The Farm Labor Contractors Act has resulted in the elimination of at least one unscrupulous farm labor contractor and the conviction of several unlicensed contractors.

The Legislative Council Subcommittee on Labor recommended to the legislature in 1961 that the administration of the Farm Labor Contractors Act be transferred from the Department of Labor and Industries to the Commissioner of Employment Security where there was greater adaptability for adequate servicing and enforcement of its provisions.

ANNUAL WORKER PLAN

The Washington State Farm Placement Service of the Employment Security Department has made effective use of the annual worker plan for supplying the proper number of migrant workers in the proper areas of the state at the most opportune time. Whereas prior to the adoption of this program, migrant workers often arrived in the state only to find no work available, many are now brought into the state when they are needed and shifted from crop to crop as the need for them develops. The plan operates as follows: Orders for workers from Texas are taken in January from Washington farmers which specify the number and type of workers required, date needed, housing which will be provided, rate of pay, earning guarantee, and arrangements for advancing transportation costs.

These orders are sent to the Texas Employment Commission where they are distributed to various local areas. Crew leaders are notified of the opportunities and arrangements are made for them to meet the Washington Farm Placement Service officials in February. Arrangements are made for crews to come to Washington. Once here, their progress is followed by local farm placement representatives.

The program has resulted in much better utilization of migratory laborers benefiting the laborers by enabling them to spend more time in working and benefiting

the farmer by providing him with a dependable work force. The Farm Placement Service now handles as many as 6000 migratory workers in a year.

MEXICAN NATIONALS

Although the importation of Mexican nationals (Braceros) as a source of mass cheap labor has caused economic problems in other parts of the country, they do not appear in substantial numbers on the local agricultural labor market. Under the Annual Worker Plan, only about 60 Mexican nationals were used in 1960 and none for the previous two years.

The U. S. Department of Labor, Bureau of Employment Security, has distributed figures on the employment of Mexican nationals for the year 1959, and Washington does not appear on the list of 25 states in which they worked.[10] In that year, California employed 273,000 Mexican nationals and Oregon employed 13,300.

SOME AREAS FOR POSSIBLE CONSIDERATION BY THE LEGISLATIVE COUNCIL

On the basis of a survey of activities in other states on migrant labor problems, several areas seem to merit pursuit in their Washington context.

Education: Since migrant families are present in the state from March to October, it appears that much may be done to educate the children of these families during the regular school year. Information should be sought as to the extent to which these children are absorbed into the existing school programs and the steps that are being taken to adapt school facilities, curricula, and overall programs to their needs. Information should also be sought to the extent to which migrant children take advantage of education which is available to them, how many remain in the fields when they should be in school, and the steps which are being taken by school authorities to ensure the attendance of these children in school. Also, the development of a scholastic abilities and attainment chart which migrant children may carry from school to school merits attention.

Consideration might be given to the possibility of summer school programs for migrant children based on the experiences of the states which have thus far developed such programs and experience already obtained in this state, if any.

Child Labor: The advisability of extending the present state child labor laws to cover farm labor might be considered. In this area, information should be sought as to whether the present minimum education laws are effective in keeping young children in school while it is in session, whether farm labor involves such hardships and hazards that children below a certain age should not be subjected to it, or whether the use of child labor in farm work has resulted in abuses which merit curbing.

Day Care Centers: If it is thought that such centers merit development, the extent to which they are now available in Washington should be determined as well as possible methods by which they may be created and maintained, whether through state, county, city, farmer or community action.

Housing: Consideration might be given to methods by which migrant housing in Washington may be brought into conformance with the labor camp code in a manner which brings a minimum of hardship to either camp operators or migrants. The possibilities of assistance to camp operators such as low interest loans or tax relief for making improvements might be considered. The machinery and methods of enforcement of the camp code may merit scrutiny for possible improvement through legislation.

Transportation: Intra-state transportation of migrant workers is not regulated as such in Washington. Although it appears that no serious accidents involving migrant workers have occurred recently in Washington, the tendency to transport such workers in large numbers by truck or bus, and the unfortunate experiences in others states which have led to extensive regulation in these states, indicate that the possibility of regulation in Washington may merit consideration. Information should be obtained as to the type and quality of the carriers which are in use for the transportation of migrants. Although existing state statutes regulate motor vehicles from a safety point of view, regulations covering the health and comfort of the occupants of these vehicles, the quality and physical condition of the drivers, and procedural matters such as rest stops may be warranted.

Reception Centers: The present availability of reception centers for migrants in transit, the possibility of using unoccupied labor camps for this purpose, and the possibilities of establishing them under state, local, community or charitable organization auspices could be surveyed.

Health Services: The extent to which local public health services render assistance to migrants in need of such services, and the possibilities of improvements in this area might be surveyed.

Health Education: A program of migrant health education, perhaps as a continuation of the proposed state Department of Health workshop for workers among the migrants, may be beneficial, especially as housing facilities are improved under the labor camp code.

Public Assistance: A survey might be made to determine to what extent existing residence requirements for public assistance obstruct the rendering of such assistance to migrant workers in need of it. Information should be obtained as to whether migrants in need are able to take advantage of the public assistance to which they are entitled. The possibility of special services for distributing information and necessary assistance to the workers may be considered if needy migrants are hampered by lack of information or by extreme inconvenience from obtaining assistance to which they are entitled.

Workmen's Compensation: A survey might be made of the possibility of extending workmen's compensation coverage to farmers on a compulsory basis. Information should be obtained as to the extent of coverage now existing under the present law, the costs to the farmer of full coverage, including migratory laborers, and the general need, or lack thereof, of such a program in Washington.

FOOTNOTES

1. "Meeting the Educational Needs of the School-Age Children of Migrant Farm Workers in Ohio," Ohio Governor's Committee on Migrant Labor, January 1958.

2. "Study of Seasonal Workers' Children in Oregon Schools," Oregon State Department of Education, January 1959.

3. Id.

4. "The Community Meets the Migrant Worker," U. S. Dept. of Labor, 1960.

5. Id., p. 19.

6. "Migrant Workers in Ohio," Ohio Legislative Service Commission Report, February 1961, p. 54.

7. "Outline of the New York Farm and Food Processing Labor Program," New York State Interdepartmental Committee on Farm and Food Processing, June 1958, pp. 7-8.

8. "The Position of Farm Workers in Federal and State Legislation," National Advisory Committee on Farm Labor, August 1959, p. 7.

9. "Incomes of Migratory Agricultural Workers," Texas Agricultural Experiment Station, 1957.

10. See "Migrant Workers in Ohio," Ohio Legislative Service Commission Report, February 1961, p. 36, for a full listing by states of the number of Mexican nationals working in American agriculture.

1960

MIGRANT WORKERS IN WASHINGTON - NUMBERS BY COUNTIES*

County	Estimated Peak Population		Date of Peak	Span of Crop Season
	Workers	Persons		
1. Chelan	6000	8000	10/15	4/1 - 10/25
2. Yakima	5000	6650	9/15	3/15 - 10/25
3. Skagit	2200	2950	6/30	6/10 - 10/31
4. Douglas	2000	2650	10/15	4/1 - 10/25
5. Okanogan	1900	2550	10/15	6/15 - 10/25
6. Pierce	1800	2400	9/15	6/15 - 9/20
7. Benton	1100	1475	9/15	3/15 - 10/25
8. Clark	1000	1350	6/15	6/5 - 7/5
9. Grant	1000	1350	6/15	3/15 - 10/31
10. Columbia	700	925	7/15	3/15 - 10/15
11. Garfield	650	875	7/15	3/15 - 10/15
12. Snohomish	600	800	6/30	5/31 - 7/31
13. Franklin	400	525	7/31	3/15 - 10/31
14. King	400	525	6/30	5/15 - 9/15
15. Kitsap	400	525	6/30	6/10 - 7/15
16. Walla Walla	400	525	7/15	3/15 - 10/15
17. Whatcom	300	400	6/30	4/15 - 9/30
18. Adams	200	275	6/15	3/15 - 10/31
19. Klickitat	200	275	9/30	9/15 - 10/15
20. Lincoln	200	275	8/15	3/31 - 10/31
21. Spokane	200	275	8/15	3/31 - 10/31
22. Whitman	200	275	8/15	3/31 - 10/31
23. Kittitas	100	130	8/15	7/10 - 10/15
24. Skamania	100	130	9/30	9/15 - 10/15
	27000	36110		

*Source: U. S. Dept. of Agriculture

AVERAGE DAILY INCOME OF MIGRANT WORKERS FROM TEXAS DURING 1956*

State Worked	Average Earnings per day
Arizona	$10.70
California	8.84
Washington	8.39
Illinois	7.94
North Dakota	7.75
Minnesota	7.34
Wisconsin	7.16
Ohio	6.84
Michigan	6.64
Idaho	6.20
Colorado	5.35
Texas	5.14
Other states and Mexico	5.76
All States	5.93

*Source: Migrant Workers in Ohio, Ohio Legislative Service Commission, 1961.